



November 13, 2017

KEN BIDWELL
3903 HIGHWAY 63 SOUTH
TAMA, IOWA 52339

SUBJECT: Animal Feeding Operation (AFO) Compliance Inspection for:

- Ken Bidwell – Section 19, County – Benton, Facility #56957

NOTICE OF VIOLATION

- 567 IAC 65.112(459A) – Failure to submit Nutrient Management Plan

Dear Mr. Bidwell:

Attached is a copy of the report resulting from the Animal Feeding Operation (AFO) facility compliance inspection conducted on October 31, 2017.

Your attention is directed to the requirements and recommendations portion of the report.

If you have any questions, or feel this report does not represent the conditions at your facility, please call me at 563/927-2640.

The cooperation and assistance provided by you during the inspection is appreciated.

Sincerely,

Chris Gelner, Environmental Specialist
christopher.gelner@dnr.iowa.gov
Field Services and Compliance Bureau

c: -Stephen Pollard, U.S. EPA Region 7, WWPD/WENF, 11201 Renner Blvd., Lenexa, KS 66219
-Ken Hessenius, FO#3, AFO Enforcement Coordinator, Spencer, IA

enc: -AFO Facility Inspection Report
-Animal Feeding Operation (AFO) Regulatory Status Form
-Aerial Photos of Site
-Copy of 567 IAC 65.112(459A)

Efile: 06 AFO Van Horne 56957 Ken Bidwell – Section 19 103117 Inspection csg

IOWA DEPARTMENT OF NATURAL RESOURCES AFO INSPECTION REPORT

FACILITY DESCRIPTION

FACILITY LOCATION	Facility: Ken Bidwell – Section 19			Facility ID#: 56957	
	Address: 2285 71 st Street		City: Van Horne	State: IA	Zip: 52346
	PLSS: Section 18,19,20, Eldorado Township (T83N, R10W), Benton County				
OWNER	Name: Ken Bidwell				
	Address:		City:	State:	Zip:
ANIMAL HOUSING TYPE	<input type="checkbox"/> Confinement <input checked="" type="checkbox"/> Open Lot <input type="checkbox"/> Combined (Confinement & Open Lot)				
ANIMAL INFORMATION	Animal Type(s)	Capacity	Current Head	Number of Bldgs./Pens	
	Cattle – Beef Open Feedlot	2,200	1,658	8	
	Date of Construction: 1965		Dates of Expansion: 1977, 2010, 2012, 2015		

INSPECTION INFORMATION

INSPECTION DATE	This Inspection 10/31/2017		Last Inspection: 07/13/2004
PERSONS INTERVIEWED	Name: Ken Bidwell		Title: Owner
	Name:		Title:
NEAREST WATERCOURSE	Stream Name: Unnamed Tributary to Prairie Creek		
	Description of Flow Path: Southwest about 1,960 ft to UT Prairie Creek		

COMPLIANCE SUMMARY

OBSERVATIONS	Nutrient Management: <input type="checkbox"/> CNMP <input type="checkbox"/> NMP <input type="checkbox"/> MMP <input type="checkbox"/> Other <input checked="" type="checkbox"/> No formal plan		
	Manure Stockpiling: <input checked="" type="checkbox"/> In controlled area <input checked="" type="checkbox"/> In compliance with rules <input type="checkbox"/> Not applicable – direct haul <input type="checkbox"/> Stockpiling in an uncontrolled area	Mortality Management: <input checked="" type="checkbox"/> Rendering <input type="checkbox"/> Composting <input type="checkbox"/> Incineration <input type="checkbox"/> On-site burial <input type="checkbox"/> Landfill	Runoff from Feed Storage: <input type="checkbox"/> No outdoor feed storage area <input checked="" type="checkbox"/> Discharge from feedstock storage area is controlled <input type="checkbox"/> Feed storage is located in an uncontrolled area
	Clean Water Diverted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Discharge to a Water of the U.S. via Manmade Conveyance: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Direct Animal Contact with Waters of the U.S.: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Adjacent Facilities (by same owner/operator): <input type="checkbox"/> Confinement <input type="checkbox"/> Open Lot <input checked="" type="checkbox"/> None		
	Evidence of Discharges: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
	NPDES PERMIT STATUS The facility, as observed during the inspection, was a Large CAFO and did not need an NPDES permit. NPDES permit is required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
COMPLIANCE STATUS	This facility appeared to be in compliance with Iowa's environmental regulations at the time of the inspection. Actual conditions may vary over time with the operation and maintenance of the facility. Facility is in compliance: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

AUTHENTICATION	Inspector: <i>Chin Goh</i>	Date: 11/6/17	Reviewer: <i>Ben Jorgensen</i>	Date: 11/13/17
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IOWA DEPARTMENT OF NATURAL RESOURCES AFO INSPECTION REPORT

FACILITY EVALUATION

Facility

This facility consists of (8) open feedlot buildings with several pens housing a capacity of 2,200 beef cattle. Below the open feedlots are (5) settling structures. Mortalities are disposed of by rendering. Mr. Ken Bidwell, owner, was present and interviewed during the inspection.

Nutrient Management Plan (NMP)

During the inspection it was noted that a Nutrient Management Plan (NMP) has not been developed. Iowa Administrative Code requires that an open feedlot with a capacity of 1,000 animal units or greater submit an NMP to this department.

567 IAC 65.112(1) The owner of an open feedlot operation which has an animal unit capacity of 1,000 animal units or more or which is required to be issued an NPDES permit shall develop and implement a nutrient management plan meeting the requirements of this rule. The owner of an open feedlot operation that seeks to obtain or is required to be issued an NPDES permit shall develop and implement a nutrient management plan meeting the requirements of this rule no later than the date on which the NPDES permit becomes effective. For the purpose of this rule, requirements pertaining to open feedlot effluent also apply to settled open feedlot effluent and settleable solids.

A copy of 567 IAC 65.112, which describes the requirements, is included at the end of this report for your information. The following website includes information on who is required to develop an NMP, what is required, and template forms that you may find helpful <http://www.iowadnr.gov/Environmental-Protection/Land-Quality/Animal-Feeding-Operations/Open-Feedlots/Nutrient-Management>. The NMP, with all required documents, must be submitted to this office within 30-days receipt of this letter.

Clean Water Diversion

During the inspection it was noted that measures have been taken to divert storm water from entering the production areas. Proper grading of the farm diverts surface water from entering the feedlots and feed storage areas and directs water into away from the production areas. It is recommended that the facility be inspected following a rain event to determine flow patterns and to better understand what methods to make further reductions may be most cost effective and practical. No discharge or evidence of past discharge was observed during the inspection.

Open Feedlot Settling Structures

Downslope of the feedlots is (5) grassed settling areas. It appeared that all waste from the feedlots, the feed storage area, and the mortality staging area flows into one of the settling areas. The settling areas consist of a flat grassed area with berms built around. The settled effluent flows through the structure and then through a series of sinuous grassed waterways. No evidence of discharge was observed and no evidence of past discharges was observed.

Feedstuffs

During the inspection it was noted that all feedstuffs are stored under plastic to reduce runoff and potential violations of state water quality standards. Be aware that feedstocks have potential to cause water quality violations and these areas should be monitored regularly for discharges. Paragraph 567 Iowa Administration Code 61.3(2) outlines general surface water quality criteria and requires that all surface waters be free from wastewater discharges or agricultural practices that produce stream conditions with objectionable color, odor or other aesthetically objectionable conditions.

Rendering

Dead animals are disposed of by rendering at this site. The staging area for mortality rendering pick-up was observed. This staging area appears to be a good location to prevent runoff to a water of the state or man-made conduit like a ditch, tile line or culvert that leads to a water of the state. This part of the operation should be inspected frequently as runoff water could carry leachate into a water of the state where it could create violations of state water quality standards. Discharge of such pollutants would potentially require a National Pollutant Discharge Elimination System (NPDES) permit.

Bio-Security

Prior to the inspection, bio-security was discussed with Mr. Bidwell and it was agreed upon that DNR bio-security SOP would be followed. DNR bio-security SOP was followed during the inspection.

REQUIREMENT

- Develop and submit a Nutrient Management Plan to this office within 30-days receipt of this letter.

RECOMMENDATION

- Regularly walk around the facility to monitor for discharges and needed repairs.

SUMMARY

- The facility, as observed, was considered a Large CAFO based on the capacity of animals at the animal feeding operation.
- No discharge was observed during the inspection and no evidence of past discharge was observed.
- No NPDES permit is required at this time.
- Nutrient Management Plan must be submitted.



Animal Feeding Operation (AFO) Regulatory Status

Facility Name: Ken Bidwell – Section 19 Facility ID: 56957 County: Benton

- ☐ Large CAFO – Discharging – NPDES Permit Required
- ☒ Large CAFO – No discharge – No NPDES Permit Required
- ☐ Large CAFO – Has NPDES Permit
- ☐ Medium CAFO – NPDES Permit Required
- ☐ Medium AFO – No NPDES Required
- ☐ Medium AFO – Has NPDES Permit
- ☐ Designated CAFO – NPDES Permit Required
- ☐ Small AFO – No NPDES Permit Required

This determination was made based on conditions and observations made at the time of the inspection on 10/31/2017. Please note that the regulatory status of the facility can change if conditions at the facility change or are different from those documented during the inspection.

Inspector: *Chris Blair* Date: 11/6/17

Regulatory Definitions of Large CAFOs, Medium CAFOs, and Small CAFOs

These regulatory definitions are from the Code of Federal Regulations (CFR), implementing the federal Clean Water Act.

A **Large CAFO** confines at least the number of animals described in the table below.

A **Medium CAFO** falls within the size range in the table below and either:

- “(A) Pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device; or
- (B) Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.” 40 CFR 122.23(b)(6)(ii)

If an operation is found to be a significant contributor of pollutants to waters of the United States, the permitting authority may designate a medium-sized facility as a CAFO as provided in 40 CFR 122.23(c).

A **Small CAFO** confines the number of animals listed in the table and has been designated as a CAFO by the permitting authority after determining that it is a significant contributor of pollutants to waters of the United States as provided in 40 CFR 122.23(c).

Animal Sector	Size Thresholds (number of animals)		
	Large CAFOs	Medium CAFOs	Small CAFOs
cattle or cow/calf pairs	1,000 or more	300 – 999	less than 300
mature dairy cattle	700 or more	200 – 699	less than 200
veal calves	1,000 or more	300 – 999	less than 300
swine (weighing over 55 pounds)	2,500 or more	750 – 2,499	less than 750
swine (weighing less than 55 pounds)	10,000 or more	3,000 – 9,999	less than 3,000
horses	500 or more	150 – 499	less than 150
sheep or lambs	10,000 or more	3,000 – 9,999	less than 3,000
turkeys	55,000 or more	16,500 – 54,999	less than 16,500
chickens other than laying hens (other than a liquid manure handling system)	125,000 or more	37,500 – 124,999	less than 37,500
laying hens (other than a liquid manure handling system)	82,000 or more	25,000 – 81,999	less than 25,000

Ken Bidwell – Section 19
2285 71st Street
Van Horne, Iowa 52346
Facility ID# 56957

